

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	MAG. NO. C-10-1015-2
	§	
LUBY JANET LUNA	§	

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard. A co-defendant told agents that Ms. Luna was to be paid for her part in smuggling aliens, who were in the same car as Ms. Luna. The co-defendant also told agents that Ms. Luna advised the aliens to keep quiet as the group passed through the checkpoint. Although Ms. Luna denied knowing the aliens, another co-defendant stated that the aliens had been staying with Ms. Luna's parents.

The findings and conclusions contained paragraphs one through four of the Pretrial Services Report are adopted. Just three weeks ago the defendant was placed on a \$25,000 bond for a felony in state court. A basic condition of any bond is that no new crimes be committed. The defendant has demonstrated that she is either unwilling or

unable to comply with court-ordered conditions of release. She is a poor bond risk.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 7th day of October, 2010.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE